

Message Text

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ACTION EA-12

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CINCPAC

C O N F I D E N T I A L SEOUL 0681

CINCPAC FOR POLAD

E.O. 11652: GDS
TAGS: PINT SHUM KS
SUBJ: SUPREME COURT POSTPONES DECISION ON KIM OK-SUN CASE
INDEFINITELY

1. ON JANUARY 24, THE SUPREME COURT ANNOUNCED THAT IT WOULD POSTPONE A DECISION ON THE KIM OK-SUN ELECTION LAW VIOLATION CASE INDEFINITELY. COURT ACTION OCCURRED AFTER STRONG REPRESENTATION FROM NDP.

2. CHARGES AGAINST MISS KIM WERE CONNECTED TO HER ACTIVITIES IN 1971 ELECTION. SHE WAS FOUND GUILTY AND GIVEN A TWO-YEAR SUSPENDED SENTENCE. CASE MOVED SLOWLY AND SPORADICALLY THROUGH APPEALS COURT SYSTEM. IT WAS GENERALLY EXPECTED THAT SUPREME COURT WOULD UPHOLD VERDICT OF LOWER COURTS.

3. MISS KIM HAS LONG BEEN AN OUTSPOKEN CRITIC OF THE YUSHIN CONSTITUTION. SHE WAS FORCED TO RESIGN FROM THE NATIONAL ASSEMBLY IN 1975, BUT SHE CONTINUED TO BE ACTIVE IN NDP PARTY AFFAIRS, SERVING ON THE PARTY'S STANDING AND POLITICAL AFFAIRS COMMITTEES. IF THE SUPREME
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PAGE 02 SEOUL 00681 250912Z

COURT UPHELD HER CONVICTION SHE WOULD NOT HAVE HAD TO GO TO PRISON BUT SHE WOULD HAVE LOST HER CIVIL RIGHTS FOR THE PERIOD OF THE SENTENCE. THIS WOULD HAVE LIMITED HER POLITICAL ACTIVITIES, BUT, MORE IMPORTANT TO HER, WOULD HAVE FORCED HER TO RESIGN FROM THE BOARDS OF SEVERAL SCHOOLS -- DUTIES WHICH SHE CONSIDERS HER CENTRAL INTEREST.

4. WHEN NOTIFIED THAT SUPREME COURT DECISION WAS IMMINENT, MISS KIM IMMEDIATELY CONTACTED THE NDP WHICH TOOK UP HER CASE WITH SUPREME COURT JUSTICE MIN PO-KI AND THE KCIA. REPORTEDLY, NDP PARTY LEADERS MENTIONED IN PASSING TO CHIEF JUSTICE MIN THAT THE NEXT SESSION OF THE ASSEMBLY MIGHT LOOK INTO ALLEGATIONS OF HIS CONNECTION TO QUESTIONABLE LAND TRANSACTIONS ONCE MORE. HOWEVER, THE BASIC NDP ARGUMENT WAS THAT IF MISS KIM WHO WAS HIGHLY REGARDED IN THE PARTY'S RANK AND FILE WERE CONVICTED, PARTY MEMBERS WOULD EXPECT THEIR ASSEMBLYMEN TO ASSUME A VINDICTIVE STANCE VIS-A-VIS THE GOVERNMENT AND THE POSSIBILITY FOR CONSTRUCTIVE ASSEMBLY SESSIONS WOULD DIMINISH.

5. ROKG DECISION TO POSTPONE SENTENCE INDEFINITELY IS AN INDICATION THAT NDP CAN EXERT SOME INFLUENCE ON GOVT POLICY NOWADAYS. MISS KIM, OF COURSE, RELIEVED WITH OUTCOME OF CASE.
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